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 8 M.D., Lorenzo Villegas, Melissa Mitchell,  
 and Gaylene Fukagawa*

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10 **UNITED STATES DISTRICT COURT**  
 11 **DISTRICT OF NEVADA**

12 JAMES EDWARD SCOTT, III,

Case No. 3:23-cv-00273-ART-CLB

13 Plaintiff,

14 v.

15 DR. HALKI, *et al.*,

16 Defendant.

**ORDER GRANTING  
 DEFENDANTS' MOTION FOR  
 EXTENSION OF TIME TO FILE  
 MOTION FOR SUMMARY  
 JUDGMENT  
 (Second Request)**

17 Defendants John Halki, M.D., Lorenzo Villegas, Melissa Mitchell, and Gaylene  
 18 Fukagawa, hereby move this Court for an extension of time to file their Motion for  
 19 Summary Judgment. This is the second request to extend the subject deadline.

20 **MEMORANDUM OF POINTS AND AUTHORITIES**

21 **I. FACTUAL ANALYSIS**

22 This is a *pro se* prisoner 42 U.S.C. § 1983 civil rights claim brought by previously  
 23 incarcerated offender, James Edward Scott, III (Scott). On October 2, 2024, this Court  
 24 entered a scheduling order with a discovery deadline of March 31, 2025, and a dispositive  
 25 motion deadline of April 30, 2025. ECF No. 23. On April 28, 2025, this Court granted  
 26 Defendants first request for an extension to the dispositive motion deadline, extending the  
 27 deadline to June 9, 2025.

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Counsel for Defendants has been diligently working on this matter, but does not believe the Motion will be ready to file by the currently scheduled deadline. A number of dispositive deadlines in other matters, such as USDC Case No. 3:23-cv-00271-MMD-CSD and USDC Case No. 3:23-cv-00274-MMD-CSD, which were both filed the previous week, also delayed the undersigned counsel's ability to have the dispositive motion deadline in this matter completed before the current deadline.

As such, Defendants now file a Motion for Extension of Time to File Motion for Summary Judgment (Secoond Request) and request an additional ten (10) days to file their summary judgment motion in this matter.

## II. ARGUMENT

Defense counsel respectfully requests a ten (10) day extension of time to file Defendants' dispositive motion from the current deadline of June 9, 2025, until June 19, 2025. Defense Counsel has been diligently working on this matter, however, due to an increased workload over the past several weeks, counsel does not believe the motion in this matter will be ready to file by June 9, 2025. Counsel needs additional time in order to properly brief the matter and ensure this Court has all relevant information to adjudicate the lawsuit on the merits at the dispositive motion phase.

## A. Current Deadlines

Dispositive motion deadline: June 9, 2025

Joint pretrial order (if no dispositive motions filed): July 9, 2025

## B. Proposed Deadlines

Dispositive motion deadline: June 19, 2025

Joint pretrial order (if no dispositive motions filed): July 21, 2025<sup>1</sup>

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<sup>1</sup> The 30<sup>th</sup> day from June 19, 2025, falls on Saturday, July 19, 2025. The date has therefore been adjusted accordingly.

### C. Good Cause Supports this Request

2       Federal Rule of Civil Procedure 16(b) allows parties to request extensions of  
3 deadlines set in the Court's scheduling order upon a showing of good cause for the  
4 extension. The good cause standard primarily considers the diligence of the party seeking  
5 the extension. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 699 (9th Cir.  
6 1992). Counsel for Defendants needs additional time due to an increased workload which  
7 has unfortunately resulted in some delays in counsel's normal schedule. Counsel believes  
8 Defendants' dispositive motion will be ready to file within ten days and anticipates no need  
9 for further extensions past June 19, 2025. Defendants assert that the requisite good cause  
10 is present to warrant the requested extension of time. The requested extension of time will  
11 not prejudice Scott as he has not yet filed his own dispositive motion in this case.

12 | III. CONCLUSION

13 Defendants respectfully request this Court extend the deadline for dispositive  
14 motion in this matter. Defendants assert the requisite good cause is present to warrant an  
15 extension of time. The request is timely. Therefore, the Defendants request additional  
16 time, up until **June 19, 2025**, to file dispositive motions in this matter.

17 DATED this 9th day of June, 2025.

AARON D. FORD  
Attorney General

By: /s/ *Kyle L. Hill*  
KYLE L. HILL, Bar No. 16094  
Deputy Attorney General

### *Attorneys for Defendants*

## ORDER

24 The Court grants Defendants' request to extend time to file dispositive motions in  
25 this matter. Absent extraordinary circumstances, no further extensions will be granted.

26 | IT IS SO ORDERED.

27 | DATED: June 9, 2025



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UNITED STATES MAGISTRATE JUDGE